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No. 125

## House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 30, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Life is fragile and a lifetime but a moment before Your eternal presence, Almighty God. Today we mourn the loss of one of Your servants and dearly elected Members of this Congress: the Honorable PATSY MINK.

Reward this gentle woman for her gracious service in this House, to this Nation and the island people of Hawaii. We know she will be fondly remembered by many and richly rewarded by You, O Lord. You are the Lord and master of the living and the dead, and before You we will all have to appear and render an accounting.

Be now her loving Saviour. Help her staff, family, and many friends find some footing as You lead them on by Your kindly light of faith and sustaining love revealed in those around them. Be now their hope and consolation.

May the Honorable PATSY MINK of Hawaii rest in peace. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. OBEY) come forward and lead the House in the Pledge of Allegiance.

Mr. OBEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4085. An act to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2237. An act to amend title 38, United States Code, to modify and improve authorities relating to compensation and pension benefits, education benefits, housing benefits, and other benefits for veterans, to improve the administration of benefits for veterans, and for other purposes.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 27, 2002.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 27, 2002 at 9:25 a.m.

That the Senate passed without amendment H.J. Res. 111.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,  
*Deputy Clerk.*

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore HANSEN signed the following enrolled joint resolution on Friday, September 27, 2002:

House Joint Resolution 111, making continuing appropriations for the fiscal year 2003, and for other purposes.

And Speaker pro tempore THORNBERRY signed the following enrolled bill on Monday, September 30, 2002:

H.R. 1646, to authorize appropriations for the Department of State for fiscal year 2003, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal year 2003, and for other purposes.

### NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. VISCLOSKEY. Mr. Speaker, pursuant to clause 2(a)(1) of House rule IX, I rise to give notice of my intent to present a question of privilege of the House.

The form of the resolution is as follows:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, due to the severe under funding of Education within the President's Fiscal Year (FY) 2003 Budget.

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of programs and operations of the Federal government.

Whereas to date the House has only considered five Appropriations bills.

Whereas as President, George W. Bush has been persistent in resonating public concern for better schools. He dedicated significant amounts of time and public dialogue during his first year in office to the passage of H.R. 1, the "Leave No Child Behind" Act, not only implying he favored more help to schools from the federal treasury but specifically authorizing large increases in a number of key program areas.

Whereas within weeks of signing H.R. 1, Public Law No: 107-110, the "No Child Left Behind" Act, the President submitted a budget that stopped six years of steady progress in federal support to local schools dead in its tracks.

Whereas instead of the strong and consistent growth in support to local schools that the federal government has provided for more than a decade, the President's FY 2003 Budget holds aid to local schools virtually flat. Furthermore, his Budget Director now insists that if Congress exceeds the budget request by even the smallest amount, the President will veto entire appropriation bills.

Whereas the future of our labor force and our economy is heavily dependent on elevating the education and skills of all future workers.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of being left behind. The achievement gap between these students and the rest of the student population remains large and has failed to close.

Whereas of the 53.6 million children currently enrolled in elementary and secondary schools in this country, 9.8 million, or nearly 20 percent, are from households defined by the Commerce Department as being in poverty.

Whereas the House is faced with the choice of supporting schools or supporting the President and his effort to reverse the trend of expanding federal support for local schools.

Whereas the Congress has provided states with an unfunded mandate by approving the "No Child Left Behind" Act without the necessary financial resources to fund it. Now, therefore, be it

*Resolved* that it is the sense of the House of Representatives that the Congress should provide states with the resources they need to fully implement the "No Child Left Behind" Act as it promised less than a year ago, by completing action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations bills.

The SPEAKER pro tempore. Under rule IX, a resolution that is offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of

the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Indiana will appear in the RECORD at this point.

The Chair does not at this point determine whether or not the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. VISCLOSKEY. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. That time will be designated.

#### NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. OBEY. Mr. Speaker, pursuant to clause 2(a)(1) of House rule IX, I rise to give notice of my intent to present a question of privileges of the House.

The form of the resolution is as follows:

##### EDUCATION PRIVILEGED RESOLUTION

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the failure of the House to bring to the floor on a timely basis the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Whereas Article I, Section IX, of the Constitution states that no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually, by October 1st of each year, the funds needed to support the execution of programs and operations of the Federal government.

Whereas the House to date has only considered five Appropriations bills, and has failed to consider the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act which would provide funding for critical areas of national policy including pre-school, elementary and secondary education, special education, higher education and student loans.

Whereas as President, George W. Bush supported and signed into law Public Law 107-110, the "Leave No Child Behind Act," which imposes substantial accountability and performance mandates on elementary and secondary schools in every state and congressional district in the United States.

Whereas the "Leave No Child Behind Act" included the authorization of significant additional resources to assist the states and local education agencies to provide the mandated improved educational services to America's schoolchildren.

Whereas within weeks of signing the "Leave No Child Behind" Act, the President submitted the FY 2003 budget provides an increase in education funding of 0.5 percent (one half of one percent) compared with an average increase of 12 percent in the six years prior to enactment of the new law.

Whereas President Bush's FY 2003 education budget request fails to provide the

promised level of funding to states and local education agencies which are required to implement significant educational reforms.

Whereas President Bush's FY 2003 budget would provide only 18 percent of the increase in compensatory education funding promise by the "Leave No Child Behind" Act.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of educational failure without the resources promised in the "Leave No Child Behind" Act.

Whereas the funding level for improving teach quality in President Bush's budget would not even keep pace with the current level of funding, let alone help promote the expanded teacher quality programs contained in the "Leave No Child Behind" Act.

Whereas the President's education budget also fails to provide the level of federal assistance for the Individuals with Disabilities Education Act that was promised to states more than 27 years ago.

Whereas by failing to appropriate the funds it has promised to pay for the new accountability requirements for students, teachers and schools, the Congress would bring discredit on itself and undermine the ability of our schools to provide the improved education services for which the House has overwhelmingly voted. Now therefore be it,

*Resolved* that it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations before recessing and should fund the "Leave No Child Behind" Act at levels commensurate with levels promised by the act less than a year ago.

□ 1415

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Under rule IX, a resolution that is offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Wisconsin (Mr. OBEY) will appear in the RECORD at this point.

The Chair does not at this point determine whether or not the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. OBEY. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. That time will be designated.

#### SPECIAL ORDERS

##### FREEDOM OF SPEECH FOR RELIGIOUS INSTITUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES of North Carolina. Mr. Speaker, I will not take more than 5 or 6 minutes, but I am back on the floor